THE SUSAN O'MALLEY PUBLIC FACING DEED OF GIFT

This Deed of Gift was written to accompany a private gift of artworks and ephemera from the artist and curator Susan O'Malley (1976 – 2015), placed in the permanent collection of the San Francisco Museum of Modern Art. It was written in the public interest with input from a variety of artists, curators, and several lawyers. It is freely distributed to provide a starting point for others to imagine their own public gifts to the future.

Public gifts are undertaken with tremendous care and resources. Museum acquisition is a slow process and should be respected for the involvement of numerous stakeholders and the expenses of stewardship.

This deed of gift is written to demonstrate a complete transfer of interests for the purpose of extending access to the artist's work and maintaining the integrity of the artist's legacy. Free public access to exhibitions and digitized scholarship are stipulated to underscore the social contract of public collections.

This credit line is written to acknowledge multiple truths for public record. Information for each item is detailed as accurately as possible to reflect the artist's many collaborators and community artworks.

This deed reconsiders the typical terms of stewardship and permanence to allow for the possibility of transferring the work to another institution, in keeping with the spirit of the original gift, which has been and will continue to be a meditation on the generous spirit of the artist.

Please share freely.

Christian L. Frock
[redacted]

DEED OF GIFT

I ("Donor") hereby give to the San Francisco Museum of Modern Art ("Donee") an undivided interest (the "interest") in the objects of art (the "Works") described as follows:

1. Susan O'Malley [The Susan O'Malley Packaging Company], The Garage Show T-Shirt + Box, 2002 [SFMOMA ID PS19.073.1-2]
2. Susan O'Malley, Untitled (Heart), 2003 [PS19.072]
3. Susan O'Malley, Bracelet (Uterus, Fallopian Tubes), 2004 [PS19.145]
4. Susan O'Malley, Pin (Punk Love), 2004 [PS19.146]
5. Susan O'Malley, as The Susan O'Malley Research Team (S. O. R. T.), Pep Talk pins (three), 2005 [PS19.147.01-03]
6. Susan O'Malley and Christina Amini as The Susan O'Malley Research Team (S. O. R. T.), Official Pep Talk Documentation, 2005 [PS19.069]
7. Susan O'Malley, as The Susan O'Malley Research Team (S. O. R. T.), Bubble Gum Therapy, 2005 [PS19.070.A-D]
8. Susan O'Malley, We Are In This Together [button], (date unknown, circa 2005) [PS19.071]
9. Susan O'Malley, San Jose Artist-In-Residency Mini Catalogue (artist's book), 2006 [PS19.068]
10. Susan O'Malley, You Are Here Awake and Alive, 2013 [PS19.067]
11. Susan O'Malley, More Beautiful Than You Ever Imagined, produced in collaboration with Jonn Herschend, Will Rogan, and THE THING Quarterly as one of seven artists' print commissions for *Moment to Moment* (THE THING Quarterly and Levi's® Made & Crafted™: 2013) [PS19.149.1-7]
12. Susan O'Malley and Leah Rosenberg, produced in collaboration with Montalvo Arts Center for Bay Area Now 7 at Yerba Buena Center for the Arts, Finding Your Center [coaster], 2014 [PS19.066]
13. Susan O'Malley, produced in collaboration with Christine Wong Yap and Interface Gallery for Make Things (Happen), A New Beginning Starts Right Here Right Now. If You Want It., 2015 [PS19.148]

The gift shall include all of my right, title and interest to the above-described property including all nonexclusive rights of reproduction and publication and including any and all forms of digital reproduction and/or publication which I may hold subject to the following conditions and limitations:

a) The Donee shall administer this gift in accordance with its Collection Management Policy and in furtherance of the museum's charitable purposes only. The Parties agree that the Works may not be sold to any private, for-profit entity and may only be lent or transferred to another public museum or public-facing charitable organization, for the purpose of continuing to extend public access to the Works, in keeping with the spirit of the original gift.
b) The Donee will create commercial representations of the Work with the prior written approval of the Estate of Susan O'Malley.
c) The Donee may display, exhibit, render accessible, loan or arrange traveling exhibitions of the Works and shall make reasonable efforts to ensure that such exhibitions include access by the public free with each exhibition of the work, such as with community days free of admission.
d) The Donee will make reasonable efforts to include the Works in academic research and scholarship on the life and art of Susan O'Malley from a diverse range of artists and scholars and will extend public access to the Works with digitized images and information about the artist on SFMOMA's website.

To the best of my knowledge, the Work listed above is free and clear of all encumbrances and restrictions and since 1940 has not been imported or exported into or from any country contrary to its laws.

Donee, by executing the Deed of Gift below, hereby accepts and acknowledges receipt of the Interest, and acknowledges that Donee becomes and is entitled to possession of the Work. Donee, by its acceptance of this gift, warrants and represents that this gift shall be held and administered in accordance with the terms and conditions set forth herein.

Dated: Dec 23, 2020

[redacted]
Christian L. Frock (Dec 23, 2020 20:07 EST)

Christian L. Frock

For purposes of donor listings and identification labels the credit line should read:

Gift from the private collection of Christian L. Frock in memory of Susan O'Malley

ACCEPTANCE OF GIFT

Donee hereby accepts the above-described gift on the terms and conditions set forth herein.

Dated: December 23, 2020

SAN FRANCISCO MUSEUM OF MODERN ART

By: _____

Neal Benezra, Helen and Charles Schwab Director

Note: final approval of this gift to SFMOMA is contingent upon acceptance by the Museum's Board of Trustees.

151 Third Street, San Francisco, CA 94103

SFMOMA

December 23, 2020

Christian L. Frock
[redacted]

Dear Christian,

I am pleased to affirm that your generous gift of works by Susan O'Malley, shown on the attached list, has been formally accepted into the collection of the San Francisco Museum of Modern Art.

We could not be more grateful to you for your support of SFMOMA in making this wonderful gift. Your gift strengthens the museum's collection of contemporary art and will contribute to our commitment to supporting access to art by the many communities we serve.

Thank you very much for your generosity in this extraordinary year.

With best wishes for a wonderful new year,

Neal Benezra
Helen and Charles Schwab Director

Gift from the private collection of Christian L. Frock in memory of Susan O'Malley:

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